

REMARKS

The non-final Office Action mailed February 28, 2005 has been received and carefully reviewed. Claims 1-10 and 18-20 are pending in the application. Claims 11-17 were canceled without prejudice as being directed to a non-elected invention in a previous response. Claims 1-8 and 18-20 stand presently rejected. Claims 9-10 are objected to, but are indicated as being directed to allowable subject matter, if rewritten in independent form. None of the claims have been amended in the instant response. Reconsideration of the application and withdrawal of the present rejections are respectfully requested in view of the following remarks.

Claims 1-8 and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Buchbinder et al.* (US 4,757,827). The Examiner refers, in particular, to Figures 1 and 6 of *Buchbinder* to support the anticipation rejection of claims 1-8 and 18-20.

To anticipate a claim, the asserted reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. All claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102.

Respectfully, claims 1-8 and 18-20 are not anticipated by *Buchbinder*. *Buchbinder* fails to teach a handle assembly movably coupled to a flexible shaft, wherein the flexible shaft is selectably movable between a plurality of discrete positions of a first degree-of-freedom defined relative to the flexible shaft. *Buchbinder* also fails to teach a flexible shaft restrained in the first degree-of-freedom at each position of the plurality of discrete positions. *Buchbinder* further fails to teach a flexible shaft that is movable through a predetermined

displacement of a second degree-of-freedom defined relative to the flexible shaft at each position of the plurality of discrete positions.

Rather, the *Buchbinder* apparatus employs threads 66, 67 of deflection member 65 to provide continuous axial displacement of a deflection wire 64. When tip deflection knob 62 is rotated, deflection member 65 is caused to move in an axial direction, that is, either proximally or distally, and deflection wire 64 move similarly in axial motion relative to tubing 63. *Buchbinder* further teaches that axial motion of tip deflection knob 62 is restrained by annular projection 68.

Buchbinder clearly fails to teach a flexible shaft that is selectably movable between a plurality of discrete positions of a first degree-of-freedom defined relative to the flexible shaft. The *Buchbinder* apparatus cannot provide such movement because axial motion of its tip deflection knob 62 is restrained by annular projection 68, which represents a single non-selectable position, and the threads 66, 67 of deflection member 65 provide only continuous axial displacement of a deflection wire 64.

Buchbinder clearly fails to teach every element of Applicant's independent claims 1 and 18, and clearly fails to teach an identical invention in as complete detail as is contained in Applicant's claims 1 and 18. Accordingly, *Buchbinder* does not anticipate Applicant's claims 1, 18, or the claims that depend therefrom.

Without acquiescing to the Examiner's characterization of *Buchbinder* as this reference has been applied to Applicant's dependent claims 2-10 and 19-20, Applicant believes it unnecessary to address all grounds for rejection of every dependent claim in view of the clear grounds for patentability of the claims from which they respectively depend. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from *Buchbinder*. Applicant, however, reserves the right to address these rejections should the Examiner maintain the rejection of base claims 1 and 18, notwithstanding Applicant's remarks presented hereinabove.

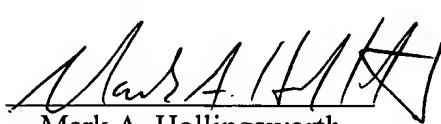
It is believed that the pending claims are in condition for allowance, and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if there are any questions regarding the above new claims or if prosecution of this application may be assisted thereby.

Respectfully submitted,

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Date: July 28, 2005

By:



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